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August 1, 2005

Thomas L. Morrison
Deputy Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Re: Monograph of Code Change Submittals – Opposition to Proposed
Amendment of CPC §§ 604.1, 604.1.1 and 604.1.2 to allow the
Statewide Approval of CPVC

Dear Mr. Morrison:

The following comments are respectfully submitted on behalf of the Coalition for Safe Building Materials (“Coalition”) in opposition to the proposed California Plumbing Code (“CPC”) amendment that would authorize the statewide approval of Chlorinated Poly-Vinyl Chloride (“CPVC”) drinking water pipe for all residential construction. The Coalition members include the California Pipe Trades Council, the California Professional Firefighters, the Sierra Club, the Planning and Conservation League, Communities for a Better Environment, the Consumer Federation of California, and Center for Environmental Health. The environmental, consumer, public health and labor organizations that make up the Coalition represent literally millions of Californians concerned about the safety of new building materials.

I. HCD PROPOSES TO AMEND CPC SECTIONS 604.1, 604.1.1, AND 604.1.2 TO ALLOW THE STATEWIDE APPROVAL OF CPVC

The Department of Housing and Community Development (“HCD”) has proposed adoption of building standards that would amend the CPC to remove the restriction limiting the use of CPVC drinking water pipe to the few areas of the state where metallic pipe is proven to corrode prematurely due to water or soil conditions. (California Building Standards Commission, *Monograph of*

1626-091d

Code Change Submittals for 2004 Annual Code Adoption Cycle, Suggested Revisions to the California Building Standards Code Title 24 (May 2004) (*Monograph of Code Change Submittals*) pp. 3-207, 3-208, 3-242, 3-243.) The specific HCD proposals are contained in the proposed amendment to CPC sections 604.1, 604.1.1, and 604.1.2. These proposed regulations have been submitted to the California Building Standards Commission ("the Commission") for review and public comment as required under the California Building Standards Law and the Administrative Procedure Act ("APA").

Currently, CPC section 604.1.2 strictly limits the use of CPVC to where a finding has been made that metallic pipe has or "will" prematurely fail due to existing water or soil conditions. Furthermore, even where such a finding is made, the approval of CPVC by local building officials is discretionary, not mandatory. CPC section 604.1.2 and CPC Appendix I, sections 301.0.1.1 and 301.0.2.1 also impose flushing, ventilation, glove-use and inspection requirements where such limited approval is granted.

Under HCD's proposed amendment, local building officials would be required to permit the use of CPVC in any residential building throughout the State of California. This represents a massive expansion in the approved use of CPVC and in potential CPVC installations. Industry estimates obtained from HCD demonstrate that the current limited approval has resulted in installation of CPVC in only *one to four percent (4%)* of the annual residential plumbing installations in California.¹

¹ HCD's "Addendum to Adopted Mitigated Negative Declaration State Clearinghouse No. 2000091089" states that 310,980 residential units were piped in 2004. (HCD, Addendum to Adopted Mitigated Negative Declaration State Clearinghouse No. 2000091089 (March 3, 2005) at p. 19.) A December 3, 2004 e-mail to HCD from a representative of Noveon, Inc., the company that holds the patents on CPVC, shows that an average of only 2,275 homes a year were piped with CPVC in California from 2000 to 2003 and that only 12,000 homes were piped with CPVC in California in 2004. (See Comments of Coalition for Safe Building Materials on the Addendum to Adopted Mitigated Negative Declaration State Clearinghouse No. 2000091089 (April 22, 2005), Appendix 20.) According to these numbers, the limited approval of CPVC examined in the 2000 MND applied to only one to four percent (4%) of residential units statewide.

II. THE COMMISSION SHOULD DISAPPROVE OR REQUIRE FURTHER STUDY OF THE PROPOSED CPVC AMENDMENT

The Coalition respectfully requests that the Commission disapprove the proposed CPVC amendment or, in the alternative, table the proposal pending further study. Because the environmental and health and safety impacts of the proposed regulatory change have never been sufficiently disclosed and evaluated, the Commission may not adopt the CPVC amendment without first preparing an environmental impact report ("EIR") as required by the California Environmental Quality Act ("CEQA"). HCD, however, has proposed to use an "Addendum" to an earlier mitigated negative declaration in lieu of an EIR. HCD's reliance on this "Addendum" fails to meet the requirements of CEQA, fails to fully mitigate potential impacts and is contrary to law. Furthermore, the proposed adoption of the CPVC amendment must be denied because the Monograph of Code Change Submittals fails to meet the notice and justification requirements of Health and Safety Code sections 18929.1 and 18930.

III. AN EIR MUST BE PREPARED PRIOR THE STATEWIDE APPROVAL OF CPVC

As fully briefed in the accompanying comments, an EIR must be prepared and completed before the Commission may adopt the proposed amendment to allow the statewide approval of CPVC.

Every court that has considered the issue has held that approval of building standards that may result in environmental impacts require compliance with CEQA. For example, the court in the case *Building Code Action v. Energy Resources Conservation and Development Commission*, (1980) 102 Cal.App.3d 577, held that adoption of energy conservation regulations establishing double-glazing standards for new residential construction was subject to CEQA since it could result in a significant impact on air quality as a result of increased glass production.

Moreover, the courts have specifically required compliance with CEQA prior to approval of potentially hazardous plumbing systems and materials, including CPVC pipe itself. In 1997, the San Francisco Superior Court overturned a decision of HCD and the Commission to propose and adopt the

exact same statewide approval of CPVC that is at issue in this case due to a failure to comply with CEQA. (*Cuffe v. California Building Standards Commission* (1997) San Francisco Superior Court No. 977657 (Wm. Cahill, J.).) More recently in *Plastic Pipe and Fitting Association v. California Building Standards Commission* (PPFA v. CBSC), the Court of Appeal held that environmental review under CEQA must be conducted prior to the approval of building code amendments that may have a significant impact on the environment. (PPFA v. CBSC (2004) 24 Cal.App.4th 1390.) The material at issue in that case was cross-linked polyethylene ("PEX"), another plastic drinking water pipe.

While HCD concedes in the *Monograph of Code Change Submittals* that CEQA applies to the proposed CPVC amendment, HCD has failed to comply with CEQA's requirements. (See *Monograph of Code Change Submittals* at p. 3-242.) Rather than preparing an EIR, as required by CEQA, HCD has instead improperly relied upon a threadbare "Addendum to Adopted Mitigated Negative Declaration State Clearinghouse No. 2000091089" (the "CPVC Addendum").

Mitigated Negative Declaration State Clearinghouse No. 2000091089 ("2000 MND") is the environmental document that was prepared and approved in 2000 for the limited approval of CPVC that is currently in force. The 2000 MND expressly and repeatedly stated that its findings were based upon the limited nature of the approval, which restricted CPVC to areas where metallic pipe is proven to corrode prematurely. Because the 2000 MND was limited in scope, it may not be relied upon to comply with the required environmental review of the *statewide approval* of CPVC.

Prior to approval of the 2000 MND on the limited approval of CPVC, HCD had twice determined in Initial Studies that the *statewide approval* of CPVC may result in numerous significant effects on the environment and would require the preparation of an EIR. Furthermore, HCD twice initiated an EIR process on the statewide approval of CPVC, only to abandon the process prior to completion.

HCD's reliance on the CPVC Addendum fails to meet the requirements of CEQA because it improperly attempts to bootstrap a large new project into the review conducted on a smaller and more limited prior project. Such bootstrapping violates CEQA's prohibition against piecemealing and fails to

meet the legal prerequisites for utilizing the addendum exception to CEQA. Because substantial evidence exists that the proposed statewide approval of CPVC may result in significant environmental and health and safety impacts, an EIR must be prepared and certified prior to the adoption of the proposed regulatory change.

In a letter to the Honorable Alan Lowenthal, Chair of the California State Senate Committee on Environmental Quality, dated April 20, 2005, HCD asserts that the use of the Addendum is appropriate because “[t]here is no proposal to reduce or eliminate any mitigation measure” imposed pursuant to the 2000 MND.² This statement is simply untrue. HCD ignores the fact that the restriction limiting the use of CPVC drinking water pipe to the few areas of the state where metallic pipe is proven to corrode prematurely was, itself, a “mitigation measure” designed to reduce the potential impacts of CPVC use. The 2000 MND expressly, and repeatedly, relied upon this restriction to support its finding of no significant impacts. By proposing to eliminate this mitigation measure, HCD is proposing the exact same project that its staff had previously determined requires an EIR.

In the same letter, HCD claims that “all health, safety and environmental concerns have been fully mitigated” and that “it is simply unfair to California consumers” to continue the strict limitations on where CPVC may be used. Given that this letter was sent prior to the close of HCD’s public comment on the CPVC Addendum, this statement reveals that HCD has once again prejudged its decision on this issue. HCD’s assessment of this issue is premature, lacks objectivity and gives short shrift to the serious public health and environmental issues associated with the manufacture, installation, use, and disposal of CPVC drinking water pipe.

HCD’s response to Senator Lowenthal reveals that the CPVC Addendum is little more than a *post hoc* rationalization of its decision to dismiss the environmental and public health issues associated with the proposed statewide approval of CPVC without any meaningful review. The courts will not countenance such a “grudging and pro forma compliance” with environmental review requirements. (*San Joaquin Raptor / Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 742.) A “*post hoc* rationalization of a decision already made” defeats the fundamental

² A copy of this letter was obtained from HCD via a public records request for documents relating to the CPVC Addendum.

informational and public disclosure objectives of CEQA. (*Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 395.) “Only by requiring the [lead agency] to fully comply with the letter of the law can a subversion of the important public purposes of CEQA be avoided” (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 842.)

**IV. THE MONOGRAPH OF CODE CHANGE SUBMITTALS IS
PROCEDURALLY DEFECTIVE BECAUSE IT FAILS TO
INCLUDE HCD’S JUSTIFICATION UNDER THE NINE-POINT
CRITERIA OF SECTION 18930**

The California Building Standards Law requires all building standards submitted to the Commission for approval to be accompanied by an analysis written by the proposing agency, which shall justify the approval in terms of the nine-point criteria listed in Health and Safety Code section 18930. The nine-point criteria required under Section 18930 to justify proposed building standards are as follows:

- “(1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards.
- (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.

- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal."

Health and Safety Code section 18929.1 requires that written notice of this nine-point justification be provided to the public for review and comment prior to its submittal to the Commission. Section 18929.1 requires that the proposing agencies provide for "[a]dequate public participation in the development of building standards prior to the submittal to the commission for adoption and approval." Section 18929.1 further requires "[a]dequate notice, in written form, to the public of the compiled building standards *and their justification.*" (Emphasis provided.) Finally, Section 18929.1 requires the procedures for public review to "meet the intent of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code) *and Section 18930.*" (Emphasis provided.)

Section 18929.1's requirement to provide the public written notice of the "justification" for the proposed building standards clearly refers to justification under the nine-point criteria of Section 18930. First, Section 18930's requirement that building standards be justified under the nine-point criteria

is the only “justification” provided for in the California Building Standards Law. Second, Section 18929.1 requires the procedures for public review to meet the intent of Section 18930, thus underscoring that this section must be consulted when justifying proposed standards to the public.

The *Monograph of Code Change Submittals*, however, fails to provide to the public written notice of HCD’s justification for the proposed standards under the nine-point criteria analysis. Accordingly, the public has not been provided the notice and opportunity for public comment required by Section 18929.1.

This procedural defect represents a substantial failure to comply with the notice requirements of Section 18929.1 because it prevents the public from having an opportunity to review and comment on HCD’s analysis of the nine-point criteria “prior to submittal to the commission for adoption and approval.” Regulations that substantially fail to comply with notice requirements may be declared invalid. (See Gov. Code § 11350.) Under the Commission’s regulations, no new issues may be raised before the Commission that were not raised during the public comment period on the *Monograph*. (Cal. Code Regs., tit. 24, part 1, §1-901(d)(4).) Accordingly, the failure to include the nine-point criteria justification in the *Monograph* effectively precludes the public from critically analyzing the HCD’s justification for its proposed building standards.

The *Monograph of Code Change Submittals* does include an Initial Statement of Reasons (“ISOR”) by HCD as required by the APA under Government Code section 11346.2. The ISOR, however, is not equivalent to the justification under the nine-point criteria analysis required by Section 18930. The required elements of the ISOR substantially differ from the nine-point criteria listed in Section 18930. For example, unlike Section 18930, the APA does not require the ISOR to make written determinations that adoption of a proposed regulation is required by “the public interest,” that adoption of a proposed regulation “is not unreasonable, arbitrary, unfair, or capricious, in whole or in part,” or “that the applicable national specifications, published standards, and model codes have been incorporated . . . where appropriate.” (Gov. Code § 11346.2; see also Health & Saf. Code § 18930.)

The APA does not limit the ISOR to the elements listed in Government Code section 11346.2, so there is no bar to including the nine-point criteria analysis in the Statement. (Gov. Code § 11346.2, subd. (b) (“statement of

reasons shall include, but not be limited to, all of the following . . .”).) In other words, the ISOR contained in the *Monograph of Code Change Submittals* could have been constructed to meet the intent of both the APA and Health and Safety Code section 18930, as required under Section 18929.1. The HCD ISOR contained in the *Monograph*, however, is limited to the bare elements required under Government Code section 11346.2 and fails to include its justification in terms of the Section 18930 criteria. This failure violates the notice requirements of Section 18929.1. The *Monograph of Code Change Submittals* must be revised and re-circulated with a copy of the HCD's nine-point analysis to correct this error.

V. THE PROPOSED STATEWIDE APPROVAL OF CPVC FAILS TO MEET AT LEAST TWO OF THE NINE-POINT CRITERIA

Before the Commission may adopt a proposed building standard, it must be satisfied that HCD has adequately justified adoption under the nine-point criteria analysis of Health and Safety Code section 18930. The proposed statewide approval of CPVC, however, fails to meet at least two of the nine-point criteria. Accordingly, the Commission may not find that the proposed CPVC amendment is justified under the Section 18930 criteria.

Section 18930 requires findings under the nine-point criteria to be supported by substantial evidence. If the Commission determines that a factual finding is arbitrary or capricious or lacks substantial evidence, it shall return the standard back to the proposing agency for reexamination. (Health & Saf. Code § 18930, subd. (d) (1).)

In the case at hand, there is substantial evidence that adopting the proposed statewide approval of CPVC, without first preparing an EIR, would be contrary to the public interest and would be unreasonable, arbitrary and unfair. Furthermore, the record lacks substantial evidence to support a contrary finding. Accordingly, the proposed statewide approval of CPVC lacks justification under at least two elements of the nine-point criteria.

A. Approval of CPVC Without First Preparing an EIR Would Not Be In the Public Interest

Adoption of the proposed CPVC amendment without first preparing an EIR would not meet the “public interest” element of the nine-point criteria. Health and Safety Code section 18930, subdivision (3), requires agencies to determine if the “public interest requires the adoption of the building standards.” In the case at hand, adopting the proposed statewide approval of CPVC, without first preparing an EIR, would violate the requirements of CEQA. Such deliberate violation of the law would, in itself, be contrary to the public interest. The statewide approval of CPVC would also be contrary to the public interest due to the numerous significant environmental and public health and safety impacts associated with these products.

It is well settled that compliance with CEQA is in the public interest. (See *Kane v. Redevelopment Agency of City of Hidden Hills* (1986) 179 Cal.App.3d 899, 905; *People By and Through Dept. of Public Works v. Bosio* (1975) 47 Cal.App.3d 495, 526; see also Pub. Resources Code § 21000.) CEQA “protects not only the environment but also informed self-government.” (*Communities for a Better Environment v. Calif. Resources Agency*, *supra*, 103 Cal. App. 4th at p. 108.) CEQA informs the public and its responsible officials of the environmental consequences of their decisions before they are made, ensuring consideration of alternatives and requiring imposition of reasonable mitigation measures. (*Id.*; Pub. Resources Code §§ 21063 & 21100.)

As discussed in detail in the attached comments, reliance on the proposed CPVC Addendum in lieu of preparing an EIR violates CEQA. The proposed CPVC Addendum fails to meet the requirements of CEQA, fails to fully disclose, evaluate or mitigate potential impacts, and is contrary to law. As a result, the failure to prepare an EIR prior to the statewide approval of CPVC would be contrary to the public’s interest in ensuring informed self-government and in protecting public health and safety and the environment.

The evidence in the record, including the expert comments and studies attached to this letter, overwhelmingly demonstrates that that the proposed statewide approval of CPVC may have a significant effect on the environment, even with the continuation of the ventilation, glove-use and flushing requirements currently required by the CPC. As discussed in greater detail in the attached comments and exhibits, these impacts include:

- Worker Health & Safety Impacts
 - A 1989 Department of Health Services Study concluded that workers installing CPVC pipe are regularly exposed to toxic chemicals such as tetrahydrofuran (“THF”) and methyl ethyl ketone (“MEK”) at levels exceeding established workplace standards.
 - The proposed ventilation and glove-use requirements will not reduce these risks below a level of significance.
 - Most gloves offer no protection against dermal absorption of THF. The Nitrile gloves currently required by the CPC only protect against THF for 20 minutes.
 - Recent studies have determined that where CPVC has been approved on a limited basis, enforcement and implementation of ventilation and glove-use requirements has been virtually non-existent.
- Contamination of drinking water
 - CPVC pipe leaches chemicals such as THF, MEK, acetone and organotins (including tributyltin) into drinking water.
 - The proposed flushing mitigation is inadequate and unenforceable.
 - Public is exposed both through consumption and through inhalation and skin exposure during bathing.
 - Aquatic toxicity concerns – organotins (and particularly tributyltin) are toxic to many aquatic animals. Most water treatment plants leave significant amounts of organotins in the effluent discharged into receiving waters.
- Air Quality Impacts
 - Widespread use of CPVC solvents and cements will result in VOC emissions in exceedance of statutory and regulatory standards of significance.

- Manufacturing Impacts
 - CPVC pipe, fittings, cements and solvents are manufactured in California.
 - Increased manufacturing of these products will result in significant air quality and worker health and safety impacts.
 - The manufacture of CPVC pipe and fittings results in the release of dioxins.
- Solid Waste Impacts
 - CPVC pipe is not a recyclable plastic and is considered a “contaminant” in the waste stream.
- Fire Hazard Impacts
 - CPVC pipe releases dioxins and toxic smoke when burned.
 - CPVC pipe makes residential fires, plastic incinerators and landfill fires significantly more dangerous.

Approval of CPVC without full disclosure, evaluation and mitigation of these impacts would not be in the public interest and thus may not be justified under the nine-point criteria.

B. Statewide Approval of CPVC Without First Preparing an EIR Would Be Unreasonable, Arbitrary and Unfair

Health and Safety Code section 18930, subdivision (4), requires agencies to justify their proposed building standards on the grounds that the proposed standard “is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.” In the case at hand, it is manifestly unreasonable, arbitrary and unfair to propose the adoption of building standards in manner contrary to law. As discussed in detail in the attached comments, allowing the statewide approval of CPVC without first preparing an EIR is a clear violation of CEQA. Such approval may not be justified under the nine-point criteria.

Furthermore, the proposed statewide approval of CPVC is unfair and unreasonable due to the substantial evidence of potential significant impacts associated with this expanded approval. Approval of a building material

without first requiring full disclosure, evaluation and mitigation of its potential impacts is unfair to the public. Moreover, a proposal by an agency to have a potentially hazardous building material approved without such disclosure, evaluation and mitigation is unreasonable.

VI. THE COALITION SUBMITS AND INCORPORATES BY REFERENCE THE COMMENTS RECEIVED BY HCD OPPOSING THE CPVC ADDENDUM

HCD held a public comment period on the proposed CPVC Addendum from March 14, 2005 to April 25, 2005. The Coalition hereby requests that the comments submitted by the Coalition and other parties during this period be incorporated into the administrative record in opposition to the HCD's proposed amendment to CPC sections 604.1, 604.1.1, and 604.1.2.

These comments include the Coalition's April 22, 2005 comment letter opposing the proposed CPVC Addendum. The Coalition's April 22, 2005 comment letter includes and incorporates expert comments by Dr. Phyllis Fox, Thomas Reid Associates and Dr. Jim Bellows. The April 22, 2005 comment letter also includes numerous supporting technical documents, studies, surveys, and reports that are submitted as appendices. A copy of these comments and appendices is enclosed with this letter and submitted in opposition to the proposed statewide approval of CPVC.

In addition to the comments submitted by the Coalition, comments opposing the approval of CPVC were submitted by numerous other organizations and individuals. These comments include:

- April 22, 2005 letter from the Los Angeles City Attorney's Office;
- April 13, 2005 letter from the Natural Resources Defense Council;
- April 12, 2005 letter from Alan Lowenthal, Chair of Senate Committee on Environmental Quality, Gene Mullin, Chair of Assembly Committee on Housing and Community Development, Fran Pavley, Chair of Assembly Select Committee on Air and Water Quality, Ira Ruskin Chair of Assembly Committee on Environmental

Safety and Toxic Materials, and Loni Hancock, Chair of Assembly Committee on Natural Resources;

- April 13, 2005 letter from the Los Angeles Chapter of Physicians for Social Responsibility;
- April 18, 2005 letter from the San Francisco-Bay Area Chapter of Physicians for Social Responsibility;
- April 25, 2005 letter from San Diego Baykeeper, Santa Monica Baykeeper, San Francisco Baykeeper, Deltakeeper, Russian Riverkeeper, and Orange County Coastkeeper;
- April 25, 2005 expert comment letter from Dr. Phyllis Fox prepared for San Diego Baykeeper, Santa Monica Baykeeper, San Francisco Baykeeper, Deltakeeper, Russian Riverkeeper, and Orange County Coastkeeper;
- April 25, 2005 letter from the Healthy Building Network; and
- March 6, 2005 e-mail from Robert Herman of the Herman & Coliver Architecture firm.

Copies of these comment letters, along with a copy of the April 20, 2005 HCD response letter to Senator Lowenthal, are also enclosed and are hereby incorporated into our opposition to the proposed statewide approval of CPVC.

VII. CONCLUSION

Having twice determined that an EIR must be prepared to study the potential impacts of statewide CPVC approval, HCD cannot now “unring the bell” and claim that the statewide approval of CPVC does not require the preparation of an EIR. The preparation of an EIR is required by both statute and case law and is supported by substantial evidence.

The comments, expert reports, studies and other evidence submitted to HCD and resubmitted herein to the Commission demonstrate that approval of the proposed CPC amendment allowing the statewide use of CPVC may result in

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numerous significant impacts on public health and the environment. Such impacts include contamination of drinking water, worker exposure to toxic solvents, increased air emissions, manufacturing impacts, solid waste impacts and increased fire hazards.

The evidence submitted further demonstrates that the few mitigation measures relied upon in the CPVC Addendum *will not* fully mitigate these potential impacts. Rather, HCD's reliance on the proposed CPVC Addendum would leave these impacts unexamined and unmitigated. Such a result violates CEQA and would not be in the public interest. Environmental review of CPVC is necessary to fully disclose the extent of these potential impacts and to consider alternative pipe materials and mitigation measures.

The Commission must also correct the procedural errors of the *Monograph of Code Change Submittals* to meet the notice and justification requirements of Health and Safety Code section 18929.1.

The Coalition respectfully requests that the Commission deny HCD's proposal to amend the CPC to massively expand the approved use of CPVC to all residential units in the state. Thank you for your consideration of this letter and the enclosed comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Enslow", with a long horizontal line extending to the right.

Thomas A. Enslow

TAE:cnh
Enclosures